

// A regular meeting of the Council of the City of Lynchburg was held on the 12th day of April, 2005, at 7:30 P.M. in the Council Chamber, City Hall, Carl B. Hutcherson, Jr., President, presiding. Council Member Dodson gave the Invocation. The Pledge of Allegiance was led by the Police Officer in attendance. The following Members were present:

Present: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson 6

Absent: Helgeson 1

// Copies of the minutes of the March 22 (two meetings), March 29 and April 5, 2005 meetings, having been previously furnished Council, reading was dispensed with, and on motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote approved the minutes as presented:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Helgeson 1

// In the matter of Fire - General, Resolution #R-05-035 amending the FY 2005 City/Federal/State Aid Fund budget and appropriating \$42,857, fully reimbursable, to purchase specialized rescue equipment for the Fire Department's Technical Rescue Team, laid over from the March 22, 2005 meeting, was again presented and read, and on motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Helgeson 1

// In the matter of Parks and Recreation - General, Resolution #R-05-036 amending the FY 2005 Capital Improvement Project Fund and appropriating \$200,000, fully reimbursable, to provide funding of the design and construction of the Ivy Creek Nature Center, laid over from the March 22, 2005 meeting, was again presented and read, and on motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted the Resolution:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Helgeson 1

// In the matter of Airport - General, City Council Report #4 was considered. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote introduced and laid over to a later meeting for final action Resolution #R-05-037, as presented, amending the FY 2005 Airport Projects Grant Fund budget and appropriating \$10,000, with \$8,000 reimbursement, to update the Airport's Stormwater Pollution Prevention Plan:

Ayes: Dodson, Foster, Gillette, Johnson, Seiffert, Hutcherson 6

Noes: 0

Absent: Helgeson 1

// Council Member Helgeson arrived at 7:33 p.m.

// In the matter of Community Planning - Zoning, a public hearing was held regarding City Council Report #5 outlining the petition of the Salvation Army for a conditional use permit at 2301 Park Avenue to allow the use of an existing building as a child care center in an R-3, Two-Family Residential District. Senior Planner Kent White provided a brief summary of the request. Gary Harvey, Craddock-Cunningham Architectural Partners, representing the petitioner, outlined the request and asked for approval. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote adopted Resolution #R-05-038, as presented, granting the Conditional Use Permit:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Economic Development - General, a public hearing was held regarding City Council Report #6 regarding the lease of City-owned property known as the Carter Glass Building, located at 857 Church Street, to the Industrial Development Authority of the City of Lynchburg, in order for the Carter Glass Building renovation project to be eligible for historic tax credits. City Manager Kimball Payne provided a brief summary of the request. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Dodson, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-039, as presented, approving the lease of City-owned property known as the Carter Glass Building, located at 857 Church Street, to the Industrial Development Authority of the City of Lynchburg, in order for the Carter Glass Building renovation project to be eligible for historic tax credits:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Finance - Bonds, a public hearing was held regarding City Council Report #7 regarding authorizing the issuance of \$7,000,000 in the form of Sewer Revenue Bonds for the purpose of providing funds to pay the cost of capital improvements to the City's sewer system. Financial Services Director Mike Hill provided a brief summary of the request stating that the April 7, 2005, commitment letter has been received. There was no one else present who wished to speak to this item, and the public hearing was closed. On motion of Council Member Seiffert, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-040, as presented, authorizing the issuance of \$7,000,000 in the form of Sewer Revenue Bonds for the purpose of providing funds to pay the cost of capital improvements to the City's sewer system:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Community Planning – Community Development, City Council Report #8 was considered. On motion of Council Member Gillette, seconded by Council Member Helgeson, Council by

the following recorded vote approved the allocation of Fiscal Year 2006 Community Development Block Grant (CDBG) and HOME funds to eligible program activities:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of Airport - General, City Council Report #9 regarding opposing the Federal Aviation Administration's (FAA) proposal to close the Air Traffic Control Tower located at the Roanoke Regional Airport between the hours of midnight and 5:00 a.m. daily was considered. Airport Director Mark Courtney outlined the request. On motion of Council Member Gillette, seconded by Council Member Johnson, Council by the following recorded vote adopted Resolution #R-05-041, as presented, supporting the Roanoke Regional Airport Commission's resolution opposing the Federal Aviation Administration's (FAA) proposal to close the Air Traffic Control Tower located at the Roanoke Regional Airport between the hours of midnight and 5:00 a.m. daily:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// In the matter of City Code, City Council Report #10 regarding amending the City Code relating to water and sewer rates was considered. Utilities Director Tim Mitchell provided a brief summary of the request. Council Member Helgeson stated that with last year's tax increases and with this year's real property tax assessments going up 10.5%, that he would have to vote against another increase to the citizenry. Vice Mayor Foster stated that although she understood that an increase was needed in the sewer rate for the City to remain in compliance with the Combined Sewer Overflow (CSO) special order, she had a conflict with increasing the water rate since the Water Fund was in such good shape. Some Council Members mentioned that even with the increase, the City's water rates are still lower than the adjoining counties, and that the increases are needed to meet the City's fiscal policies. On motion of Council Member Dodson, seconded by Council Member Gillette, Council by the following recorded vote adopted Ordinance #0-05-042, as presented, amending the City Code relating to water and sewer rates:

Ayes: Dodson, Gillette, Johnson, Seiffert, Hutcherson

5

Noes: Foster, Helgeson

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// City Manager Kimball Payne displayed the Martin Luther King, Jr. Boulevard and Memorial Bridge signs, explaining that the signs will be installed once the City has received approval from the Martin Luther King, Jr., Foundation.

// On motion of Vice Mayor Foster, seconded by Council Member Seiffert, Council by the following recorded vote elected to hold a closed meeting for consultation with legal counsel and briefings by staff members concerning a specific legal matter, i.e., water contracts with the Counties pursuant to Section 2.2-3711(A)(7), Code of Virginia (1950), as amended:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was re-opened to the public.

// Council Member Gillette made the following motion:

WHEREAS, the Council of the City of Lynchburg has convened a closed meeting on this date, pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by City Council that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Lynchburg certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by Council.

The Motion was seconded by Council Member Johnson, and Council by the following recorded vote adopted the motion:

Ayes: Dodson, Foster, Gillette, Helgeson, Johnson, Seiffert, Hutcherson

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Noes:

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// The meeting was recessed at 9:10 P.M. to April 26, at 1:00 P.M., to conduct a work session regarding several items.

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Clerk of Council